

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DINO DROP, INC., et al.

Civil Case No. 20-12549

Plaintiffs,

vs.

HON. MARK A. GOLDSMITH

THE CINCINNATI INSURANCE
COMPANY,

Defendant.

ORDER DENYING MOTION TO DISMISS WITHOUT PREJUDICE (Dkt. 11)

Defendant filed a motion to dismiss in the above-captioned action on January 15, 2021 (Dkt. 11). This motion raised an issue regarding, among other things, a purported insufficiency of the pleadings under Federal Rule of Civil Procedure 8 and Ashcroft v. Iqbal, 556 U.S. 662 (2009).

The Court issued an Order allowing Plaintiffs to file an amended complaint in light of the Defendant's motion. See 2/2/21 Order (Dkt. 13). Without expressing any view of the merits of the motion to dismiss, the Court stated that "[i]f Plaintiff[s] timely file[] an amended complaint, the Court will deny without prejudice the currently pending motion to dismiss as moot." Id.

On February 5, 2021, Plaintiffs timely filed an amended complaint (Dkt. 14). Accordingly, the Court denies without prejudice Defendant's motion to dismiss (Dkt. 11). Defendant shall file a response to the amended complaint on or before **February 22, 2021**. If Defendant files a motion in response to the amended complaint, the briefing schedule set forth in

Local Rule 7.1(e) shall apply.

SO ORDERED.

Dated: February 8, 2021
Detroit, Michigan

s/Mark A. Goldsmith
MARK A. GOLDSMITH
United States District Judge